

May 23, 2011

**VIA ECFS**

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 Twelfth Street, S.W., Room TW-A325  
Washington, D.C. 20554

Re: ***In re Applications of AT&T Inc. & Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses & Authorizations, WT Dkt No. 11-65 – Objection to Disclosure of Confidential and Highly Confidential Information to Steven Stravitz and Kurt Schaubach***

Dear Ms. Dortch:

Pursuant to the Protective Orders for the AT&T/T-Mobile USA proceeding,<sup>1</sup> AT&T Inc. (“AT&T”), Deutsche Telekom AG (“Deutsche Telekom”), and T-Mobile USA, Inc. (“T-Mobile”; collectively with AT&T and Deutsche Telekom, “Applicants”) object to the Acknowledgments of Confidentiality (“Acknowledgments”) filed in the above-referenced docket on behalf of Steven Stravitz, CEO and Managing Partner, and Kurt Schaubach, Consultant, of Spectrum Management Consulting, Inc. (collectively “Spectrum Management Consultants”).<sup>2</sup> Applicants object to Spectrum Management Consultants because they are engaged in Competitive Decision-Making<sup>3</sup> and, thus, are ineligible to access Confidential and Highly Confidential Information (including NRUF/LNP Confidential Information) under the Protective Orders.

As Outside Consultants, Spectrum Management Consultants may not be “involved in Competitive Decision-Making.”<sup>4</sup> However, Spectrum Management

---

<sup>1</sup> *In re Applications of AT&T Inc. & Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses & Authorizations*, WT Dkt No. 11-65, Second Protective Order, DA 11-753 (WTB rel. Apr. 27, 2011); *In re Applications of AT&T Inc. & Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses & Authorizations*, WT Dkt No. 11-65, NRUF/LNP Protective Order, DA 11-711 (WTB rel. Apr. 18, 2011); *In re Applications of AT&T Inc. & Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses & Authorizations*, WT Dkt No. 11-65, Protective Order, DA 11-674 (WTB rel. Apr. 14, 2011) (collectively, “Protective Orders”).

<sup>2</sup> See Letter from Emily J. H. Daniels, Lawler, Meztger, Keeney & Logan, LLC, to Marlene H. Dortch, Secretary, FCC (May 18, 2011).

<sup>3</sup> Undefined capitalized terms have the meanings supplied in the Protective Orders.

<sup>4</sup> Second Protective Order ¶ 2; NRUF/LNP Protective Order ¶ 4; Protective Order ¶ 2. (“‘Competitive Decision-Making’ means that a person’s activities, association, or relationship with *any of its clients* involve advice about or participation in the relevant

Footnote continued on next page

Consulting, Inc. appears to be involved in just such advice. According to a summary of Spectrum Management Consulting, Inc. on Mr. Stravitz's LinkedIn page:

*Spectrum Management Consulting provides telecommunication/media technical and regulatory expertise to clients throughout the world; analysis of the strategic interplay of technology, business and competitive forces. Mr. Stravitz has worked with all major access technologies and has contributed to the success of some of the largest and most sophisticated wireless systems in the world.*<sup>5</sup>

Additionally, Mr. Stravitz boasts that he has "20 plus years of experience in marketing, strategic planning, technology management, regulation, and new business/product development, business development in the communications industry."<sup>6</sup>

Mr. Schaubach also is a Vice President of Broadband Technologies for the National Rural Telecommunications Cooperative. In that position, he "develops the direction of NRTC's broadband strategy, including the successful deployment of WiMAX, spectrum holding and management, and ensuring that NRTC offers the latest Internet and communications solutions to meet member needs."<sup>7</sup> According to the press release announcing his appointment to that position:

"NRTC members may not be tapping into the full promise of our collective spectrum holdings," said Kurt Schaubach. "These valuable assets may enable members to meet current and future operational needs, including providing broadband access or communications for the smart grid. *Along with working with members to deploy WiMAX, my priorities include developing strategies for spectrum holdings and spectrum management, including seeking the technologies to best use that spectrum,*" he continued.<sup>8</sup>

---

Footnote continued from previous page  
business decisions or the analysis underlying the relevant business decisions of the client in competition with or a business relationship with the Submitting Party.") (emphasis added).

<sup>5</sup> Steven Stravitz's Experience, <http://www.linkedin.com/pub/steven-stravitz/0/471/569> (emphasis added) (last visited 5/21/11). (Exhibit A)

<sup>6</sup> *Id.*

<sup>7</sup> Kurt Schaubach, Vice President, Broadband Technologies, National Rural Telecommunications Cooperative, [http://www.ntca.org/index.php?option=com\\_content&view=article&id=3299:schaubach-kurt-nrtc&catid=341:2010-wireless-symposium-speakers&Itemid=958](http://www.ntca.org/index.php?option=com_content&view=article&id=3299:schaubach-kurt-nrtc&catid=341:2010-wireless-symposium-speakers&Itemid=958) (last visited May 23, 2011). (Exhibit B)

<sup>8</sup> Press Release, Kurt Schaubach to Lead NRTC Broadband Efforts, National Rural Telecommunications Cooperative (July 23, 2009), <http://www.nrtc.coop/pub/us/now/>

Footnote continued on next page

These website excerpts strongly suggest that the Spectrum Management Consultants are engaged in Competitive Decision-Making. We recognize, however, the possibility that Spectrum Management Consultants might no longer be engaged in the sorts of strategic consulting described in these excerpts. Therefore, we pointed Sprint Nextel Corporation's ("Sprint") counsel to Mr. Stravitz's LinkedIn page and sought assurances that neither Mr. Stravitz nor Mr. Schaubach will engage in any future activities with any of their clients involving advice about or participation in wireless business decisions, or the analysis underlying such business decisions, by AT&T's, DT's, and T-Mobile USA's wireless competitors. Sprint's counsel declined to provide any assurances beyond the fact that Messrs. Stravitz and Schaubach had executed Acknowledgments. Applicants are left to conclude that Sprint somehow believes that the sorts of strategic consulting described in these excerpts do not amount to Competitive Decision-Making.

Of course, those sorts of strategic consulting *are* within the meaning of Competitive Decision-Making, and Spectrum Management Consultants appear to be engaged in it. As such, they would have the ability to use the Confidential and Highly Confidential Information and apply it to their advice or participation in the business decisions of their clients. Access to the Confidential Information and Highly Confidential Information of Applicants – and other carriers to whose NRUF/LNP Confidential Information Spectrum Management Consultants also seek access – would unfairly advantage Spectrum Management Consultants' clients. It is unreasonable to expect Outside Consultants to forget what they learn or to "split their brains in two" in order to keep the Confidential and Highly Confidential Information from being used unfairly to the detriment of Applicants.

As Applicants have stated before, they welcome meaningful public participation in this proceeding and do not submit objections lightly. Indeed, Applicants have notified counsel for Sprint, Spectrum Management Consultants' client, that Applicants have cleared 27 Outside Counsel (including non-attorney staff) and 23 Outside Consultants across Sprint's multiple law firms and consulting groups. To date, overall, Applicants have cleared 88 Outside Counsel (including non-attorney staff) and 27 Outside Consultants, collectively representing 23 parties, for access to Confidential or Highly Confidential Information. Applicants have filed objections in only six cases where they clearly have been warranted: Bursor & Fisher, P.A.,<sup>9</sup> Economics and Technology, Inc.,<sup>10</sup>

---

Footnote continued from previous page  
[press/press\\_20090723\\_Schaubach.html](http://press/press_20090723_Schaubach.html) (last visited May 23, 2011) (emphasis added).  
(Exhibit C)

<sup>9</sup> See Letter from Peter J. Schildkraut, Arnold & Porter LLP, and Nancy J. Victory, Wiley Rein LLP, to Marlene H. Dortch, Secretary, FCC (May 12, 2011) (objecting to attorneys from Bursor & Fisher, P.A.).

<sup>10</sup> See Letter from Peter J. Schildkraut, Arnold & Porter LLP, and Nancy J. Victory, Wiley Rein LLP, to Marlene H. Dortch, Secretary, FCC (May 16, 2011) (objecting to ETI).

Marlene H. Dortch, Esq.

May 23, 2011

Page 4

and Faruqi & Faruqi, LLP,<sup>11</sup> all three of which are interrelated, as well as three management consultants from PRTM Management Consultants,<sup>12</sup> Mr. Leo A. Wrobel of TelLAWCom Labs Inc,<sup>13</sup> and the Spectrum Management Consultants.

For these reasons, the Commission should dismiss or deny the Acknowledgments of Confidentiality submitted on behalf of Spectrum Management Consulting, Inc.

Respectfully submitted,

/s/ Peter J. Schildkraut

Peter J. Schildkraut  
Arnold & Porter LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004  
202-942-5634

Counsel for AT&T Inc.

/s/ Nancy J. Victory

Nancy J. Victory  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, D.C. 20006  
202-719-7344

Counsel for Deutsche Telekom AG  
and T-Mobile USA, Inc.

Attachments

cc: Attached Service List

---

<sup>11</sup> See Letter from Peter J. Schildkraut, Arnold & Porter LLP, and Nancy J. Victory, Wiley Rein LLP, to Marlene H. Dortch, Secretary, FCC (May 20, 2011) (objecting to lawyers from Faruqi & Faruqi, LLP).

<sup>12</sup> See Letter from Peter J. Schildkraut, Arnold & Porter LLP, and Nancy J. Victory, Wiley Rein LLP, to Marlene H. Dortch, Secretary, FCC (May 11, 2011) (objecting to the PRTM management consultants). So far as Applicants are aware, Sprint did not file a reply to the objection by the May 18, 2011 deadline for doing so. See 47 C.F.R. §§ 1.4(e)(1), (g), 1.45(c).

<sup>13</sup> See Letter from Peter J. Schildkraut, Arnold & Porter LLP, and Nancy J. Victory, Wiley Rein LLP, to Marlene H. Dortch, Secretary, FCC (May 18, 2011) (objecting to the Mr. Leo A. Wrobel).

# **EXHIBIT A**



Steven Stravitz  
CEO of Spectrum Management Consulting Inc.  
Washington D.C. Metro Area | Wireless

### Join LinkedIn and access Steven Stravitz's full profile.

As a LinkedIn member, you'll join 100 million other professionals who are sharing connections, ideas, and opportunities. And it's free! You'll also be able to:

- See who you and **Steven Stravitz** know in common
- Get introduced to **Steven Stravitz**
- Contact **Steven Stravitz** directly

[View Full Profile](#)

## Steven Stravitz's Overview

Current	<ul style="list-style-type: none"><li>• <b>CEO - Principal</b> at <b>Spectrum Management Consulting Inc</b></li></ul>
Past	<ul style="list-style-type: none"><li>• VP of Marketing at LCC</li><li>• VP of Marketing/Strategy/Outsourcing Services/Business Development/Sales at LCC International</li></ul>
Education	<ul style="list-style-type: none"><li>• The George Washington University - School of Business</li><li>• Rutgers, The State University of New Jersey-New Brunswick</li></ul>
Recommendations	1 person has recommended Steven
Connections	<b>500+</b> connections

## Steven Stravitz's Summary

20 plus years of experience in marketing, strategic planning, technology management, regulation, and new business/product development, business development in the communications industry. With a breadth of experience relevant to the convergence of voice, data, video and wireless technologies,

## Steven Stravitz's Experience

### CEO - Principal

#### Spectrum Management Consulting Inc

Privately Held; Telecommunications industry

May 2004 – Present (7 years 1 month)

Spectrum Management Consulting provides telecommunication/ media technical and regulatory expertise to clients throughout the world; analysis of the strategic interplay of technology, business and competitive forces. Mr. Stravitz has worked with all major access technologies and has contributed to the success of some of the largest and most sophisticated wireless systems in the world.

## View Steven Stravitz's full profile to...

- See who you and **Steven Stravitz** know in common
- Get introduced to **Steven Stravitz**
- Contact **Steven Stravitz** directly

[View Full Profile](#)

LinkedIn member directory: [a](#) [b](#) [c](#) [d](#) [e](#) [f](#) [g](#) [h](#) [i](#) [j](#) [k](#) [l](#) [m](#) [n](#) [o](#) [p](#) [q](#) [r](#) [s](#) [t](#) [u](#) [v](#) [w](#) [x](#) [y](#) [z](#) [more](#) | Browse members [by country](#)

# **EXHIBIT B**

[HOME](#) [AGENDA](#) [SPEAKERS](#) [SPONSORS](#) [EXHIBITORS](#) [SPONSORSHIPS](#) [REGISTRATION](#) [HOTEL](#) [CONTACT US](#)

Today is May 23,  
2011.  
Only 0 days  
until the  
Wireless  
Symposium!

**Attendee  
Registration**

**Exhibitor  
Registration**

**Sign up for  
E-mail Updates!**

Produced by:



and



**NTCA & RTG thank the  
2010 Wireless Symposium  
Steering Committee:**

Mickey Sims  
Ralph Clifton  
David Herron  
James Condra  
Jerry Stephenson  
Tim Hills  
Michael Troup  
Mark Harvey  
Jack Jones  
Rod Bowar  
Bryan Roth  
Brock Johansen  
Stanley Rouse  
Charles Erke  
Carl Turnley  
Chris Davidson  
Don Lawrence  
Jeff Moore  
David Osborn  
Michael Fugate  
Ronald Gotteberg

**Kurt Schaubach**  
**Vice President, Broadband Technologies**  
**National Rural Telecommunications Cooperative (NRTC)**

Kurt Schaubach, NRTC's vice president of broadband technologies, develops the direction of NRTC's broadband strategy, including the successful deployment of WiMAX, spectrum holding and management, and ensuring that NRTC offers the latest Internet and communications solutions to meet member needs.

Schaubach joined NRTC with more than 18 years of experience in the wireless industry and 10 years of experience in senior engineering positions. This experience includes communications network design, deployment, operation and advanced technology development.

During Schaubach's tenure at NextWave Broadband, formerly a division of NextWave Wireless, the company became an early provider of WiMAX products and services. Prior to joining NextWave, Schaubach provided consulting services to numerous clients, including SKT/Korea Mobile Telecom, QUALCOMM and Nextel Communications. He started his career with Southwestern Bell Technology Resources.

Schaubach earned his Bachelor of Science and Master of Science degrees in electrical engineering from Virginia Polytechnic Institute and State University.



**Premium Sponsor**



**Exclusive Sponsors**



**Pre-Conference  
Workshop Sponsor**



**Conference  
Technical Advisor**





# **EXHIBIT C**



# NRTC Now

NATIONAL RURAL TELECOMMUNICATIONS COOPERATIVE



[NRTC Now](#)   [Utilities](#)   [Video](#)   [Voice](#)   [Data](#)   [Internet](#)   [Training](#)   [About NRTC](#)  
[NRTCconnects](#)   [News](#)   [Press](#)   [Events](#)   [Speakers Bureau](#)   [Photos](#)   [Multimedia](#)

[Home](#) > [NRTC Now](#) > [Press Releases](#) > Kurt Schaubach to Lead NRTC Broadband Efforts

## Kurt Schaubach to Lead NRTC Broadband Efforts

### Experience in Wireless Communications Key as WiMAX Deployments Begin

**DATE: July 23, 2009**

**Contact: Andrea Cumpston**

**703-787-7156**

**July 23, 2009 [Herndon, VA]**—The National Rural Telecommunications Cooperative (NRTC) today announced Kurt Schaubach has come on board as vice president, Broadband Technologies. As more of NRTC's rural members turn to wireless and other Internet access solutions, Kurt Schaubach's experience in communications network design, deployment, operation and advanced technology development will help ensure that NRTC offers the latest Internet and communications solutions to meet members' needs.

Mr. Schaubach brings over 18 years of experience in the wireless industry to his role, including 10 years in senior engineering positions with NextWave Broadband, Inc., formerly a division of NextWave Wireless, Inc. During Schaubach's tenure, NextWave Broadband became an early provider of WiMAX products and services. Prior to joining NextWave, Mr. Schaubach provided consulting services to numerous clients, including SK/Korea Mobile Telecom, QUALCOMM and Nextel Communications. He started his career with Southwestern Bell Technology Resources.

"Kurt will play a key role in the growth of NRTC's broadband strategy, starting with the launch of NRTC's WiMAX distribution relationship with DigitalBridge Communications Corp.," said NRTC Senior Vice President for Business Operations Jack Harvey. "In addition, Kurt will be establishing a roadmap to a future where network agnostic devices will enable fixed-mobile convergence across networks and technology platforms," he continued.

"NRTC members may not be tapping into the full promise of our collective spectrum holdings," said Kurt Schaubach. "These valuable assets may enable members to meet current and future operational needs, including providing broadband access or communications for the smart grid. Along with working with members to deploy WiMAX, my priorities include developing strategies for spectrum holdings and spectrum management, including seeking the technologies to best use that spectrum," he continued.

Mr. Schaubach earned his Bachelor of Science and Master of Science degrees in Electrical Engineering from Virginia Polytechnic Institute & State University.

#### About NRTC

The National Rural Telecommunications Cooperative (NRTC) represents the advanced telecommunications and information technology interests of more than 1,400 rural utilities and affiliates in 48 states. Founded in 1986, NRTC provides products and services developed specifically to meet the needs of rural utilities and their customers, such as high-speed Internet access via satellite, full service Internet access and support, advanced metering infrastructure, SmartSCADA, wireless technologies, power quality products, long distance programs, mobile phone service, IP backbone services, direct broadcast satellite service (DBS) with DIRECTV and programming for Internet protocol television (IPTV). For more information, visit [www.nrtc.coop](http://www.nrtc.coop).

# # #

## CERTIFICATE OF SERVICE

I hereby certify that on this twenty-third day of May, 2011, I caused true and correct copies of the foregoing to be served by electronic mail (to Best Copy and Printing, Inc. and the FCC staff members listed below) and by hand delivery (to Ms. Daniels) upon:

Best Copy and Printing, Inc.  
445 Twelfth Street, S.W.  
Room CY-B402  
Washington, D.C. 20554  
FCC@BCPIWEB.COM

Kathy Harris, Esq.  
Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
1250 Maryland Avenue, S.W.  
Room 6329  
Washington, D.C. 20554  
kathy.harris@fcc.gov

Ms. Kate Matraves  
Spectrum and Competition Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Room 6528  
Washington, D.C. 20554  
catherine.matraves@fcc.gov

Jim Bird, Esq.  
Office of General Counsel  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Room 8-C824  
Washington, D.C. 20554  
jim.bird@fcc.gov

Emily J. H. Daniels, Esq.  
Lawler, Meztger, Keeney & Logan, LLC  
2001 K Street, N.W., Suite 802  
Washington, DC 20006  
edaniels@lawlermeztger.com

/s/ Shelia Swanson  
Shelia Swanson  
Senior Legal Assistant  
Arnold & Porter LLP